

Minutes of the Public Works Committee - November 13, 2003

The meeting was called to order at 8:30 a.m. by Chair Manke. Supervisor Behrend led the committee in the Pledge of Allegiance.

Present: Chair Richard Manke, County Board Supervisors James Behrend, Genia Bruce (arrived at 8:50 a.m.), Hank Carlson, Karl Nilson, Rodell Singert, David Swan

Staff Present: County Board Chief of Staff Lee Esler, Legis. Associate Sandra Meisenheimer

Also Present: Public Works Director Rich Bolte, Sr. Civil Engineer Karen Braun, Building Projects Mgr. Dennis Cerreta, Corporation Counsel Tom Farley, Deputy Inspector Bob Johannik, Jail Administrator Mike Giese, Correctional Captain Meg Schnabl, Sr. Civil Engineer Paul Barthel, Sid Samuels (Construction Mgr., Project Mgr., Vice-President) and Dan Mueller (Asst. Project Mgr.) of Adolfson & Peterson Construction, County Executive Chief of Staff Allison Bussler

Read Correspondence

Manke addressed the following items:

1. Letter from Donna Czysz of the Waukesha County Coach Riders Assn. along with a petition containing 1,700 signatures asking for a public hearing regarding the proposed changes in the Waukesha County transit service.
2. E-mail from Co.Executive Finley regarding Coach USA offering to give a tour of their vehicles to anyone wishing to see them.
3. Letter and attached information from Wisconsin Coach Lines on the Waukesha County Transit RFP process.
4. Letter from Director Bolte advising of an Operational Planning Meeting for the CTH K and CTH V intersection in the Town of Lisbon and Village of Menomonee Falls to be held on 12/1/03 at 10:00 a.m. in Room 255/59 of the Administration Center.
5. Traffic Safety Commission agenda of 11/12/03 with minutes of 8/13/03 meeting attached.
6. Letter forwarded from Chris Petterson, Radio Services Mgr., regarding the proposal for installation of AT&T equipment at existing cellular tower at 1210 Northview Road.
7. E-mail regarding the WisDOT maintenance budget for this biennium being reduced from 5% to 15%, which translates into 5% to 15% less funding allocated to counties statewide to perform maintenance on state trunk highways and the interstate.
8. Letter to Supervisor Swan from Lee Ann Kingston, a teacher at Saratoga School in Waukesha, regarding her displeasure in the changes in the quality of the buses being proposed by the City of Waukesha.
9. Article that appeared in the newspaper this morning titled, "Prison isn't deterring crime."
10. Letter from Governor Doyle urging County Board Supervisors to reject the concealed carry legislation if it passes, because it is the right thing to do for the taxpayers and citizens of Wisconsin.
11. Public Hearing Notice for WIS 83 Corridor Study to be held on November 20, 2003 at Kettle Moraine High School in Wales, Wis., from 4:00 to 8:00 p.m.
12. E-mail from Director Shaver regarding the final parking plans going before the City of Waukesha Plan Commission on 11/12/03 for approval.
13. Esler referred to the officially signed and notarized copy from the City of Pewaukee of the resolution requesting that the Waukesha County Board add the extension of Springdale Road between Capital Drive and Weyer Road to the County Jurisdictional Highway Plan.

Consider Proposed Ordinance: 158-O-096 Convey Title to Highway Right of Way to the State of Wisconsin (Tabled at Public Works Committee meeting of 10/30/03)

Braun was present. The ordinance identifies property that was acquired with State funds in 1941

pursuant to a State order. An order has been received to convey title to the property from the county to the State.

Motion: Behrend moved, second by Singert, to remove Ordinance 158-O-096 from the table. Colored maps of the area were distributed. **Motion carried 7 - 0.**

Regarding the mention of the Village of Oconomowoc Lake and Town of Summit, Braun said it was purchased by the county highway committee on behalf of the State of Wisconsin in about 1941. In 1941 the parcel was located both in the Town of Oconomowoc and the Town of Summit. Since that time it was annexed to the Village of Oconomowoc Lake so now the correct legal description is the Village of Oconomowoc Lake as outlined in ordinance 158-O-096.

Motion: Behrend moved, second by Carlson, to approve Ordinance 158-O-096.

Esler had several questions. He stated it appears the State is calling in its chips on excess right of ways. Does this only affect Waukesha County because there are 12 to 15 of these or is this a statewide program? What is their policy statewide? Is it in writing to do this? Who is in charge of determining that the properties will not be deeded over to the area municipalities rather than being deeded back to the State. These are discretionary matters allowed by State Statute as the governor so decides.

Braun distributed copies of the statute wherein the State can request land be conveyed back to them. She said the county really has no say in giving it back or in what happens to the land. According to the State's real estate agent, they are selling this land to the adjacent owner. Swan said he likes getting it back on the tax role and going back to the owner, but what about the local municipality? Could we (the county) give it to the local municipality? Braun said we don't own it. To Esler's question, Braun said it involves about ¼ acre. **Motion carried 7 - 0.**

Consider Proposed Ordinance: 158-O-101 Order to Convey Title to Highway Right of Way to the State of Wisconsin

Braun was present. The property identified in this ordinance is in the City of Oconomowoc and was acquired with State funds in 1955 pursuant to a State order. An order has been received to convey title to the property from the County to the State as detailed in the letter that Braun distributed. She also passed out colored maps of the area.

Motion: Behrend moved, second by Carlson, to approve Ordinance 158-O-101. Carlson asked how much land is involved? Manke said 67 feet north of each parcel. Braun said it is 3.70 acres. Esler said he asked Supervisor Herro what property is going for in the area north of I-94 on State Highway 67. He replied that the land is \$500,000 an acre, and the property there is probably worth about \$1 million if not more. Manke asked Braun to get more information from the State regarding why these parcels are being sold, what the fair market value is and how it is determined, who is offered the land and what the process is. **Motion carried 7 - 0.**

Consider Proposed Ordinance: 158-O-103 Grant of Sanitary Sewer Easement to the City of Pewaukee, C.T.H. "J", Pewaukee Road

Braun explained the ordinance, which will grant a Permanent Sanitary Sewer Easement and a Temporary Construction Easement to the City of Pewaukee over lands purchased by Waukesha

County as a part of adopted Capital Project 9901. Braun distributed colored maps of the area. She stated that the county purchased this property as part of a Highway J project because the older farmhouse is basically sitting in the new lane of traffic. It was a hardship acquisition. The county became owners of the entire 2.9 acres of land.

Motion: Behrend moved, second by Nilson, to approve Ordinance 158-O-103. **Motion carried 7 - 0.**

Reconsider and Award Bid Category 9C for Acoustical Ceilings

Farley and Cerreta were present. Farley stated the first bidder did not submit a bid bond, which is a required document, so they were considered non-responsive. The second bidder for this project did not submit a proof of responsibility document, which clearly by statute is a condition precedent to receive the bid. Subsequently, they heard from the third bidder and after examining the statutes, it was clear that the third bidder would be entitled to the bid. Therefore, the award of the bid to the second bidder should be rescinded and the third bidder should receive it.

Motion: Swan moved, second by Behrend, to reconsider Bid Category 9C – Acoustical Ceilings from the Sullivan Brothers in the amount of \$474,197.00. **Motion carried 7 - 0.**

Motion: Singert moved, second by Behrend, to approve the bid from Central Ceiling Systems, Inc. in the amount of \$479,000 for Bid Category 9C - Acoustical Ceilings. **Motion carried 7 - 0.**

Consider Proposed Ordinance: 158-O-104 Amend Capital Project 200108 – Justice Facility

Bolte and Cerreta were present to explain the ordinance, which will amend capital project 200108 by increasing the construction line by \$397,116 to \$28,437,116 and decreasing the contingency line by \$397,116 to \$1,902,884. The overall project expenditure budget would remain the same at \$33,865,000, and no additional tax levy is required.

Motion: Behrend moved, second by Bruce, to approve Ordinance 158-O-104. Bolte distributed two handouts for further clarification of the funds needed to finalize Bid Category 17A – Security Electronics in the amount of \$2,449,750.00. Bolte added that the project is well underway and so they are confident they have a good handle on where they are going. He indicated they are not jeopardizing the project and still have a generous contingency fund. They are keeping the project within its original budget, and this transfer of funds will allow them to recommend the award of the final contract to Security Electronics.

Nilson asked is the contingency fund for contingencies? Bolte said they typically use it for unexpected situations that arise as opposed to enhancements. They actually try to guard the money and do not use the contingency fund to alter the scope of the project that the Board has approved. Nilson asked about the money left in the contingency. Bolte replied that the funds lapse to the capital project general fund. Swan asked will the foundation be finished before the frost sets in? Samuels said the plan has always been to work through the winter. The foundation will probably be finished in the spring. **Motion carried 7 - 0.**

Future Agenda Items

1. Bolte asked if the Public Works Committee could meet after the County Board meeting on November 25 to award the contract for Security Electronics. The committee agreed to meet

immediately following the Board meeting.

2. No Parking on CTH "K" west of Brookfield Rd. – December 4 meeting.

Capital Project Status Update

Bolte, Cerreta and Barthel were present. Bolte distributed the Highway/Building Capital Project Report, which he reviewed with the committee project by project. Also distributed was a list of Prioritized Traffic Signal Candidates. Handouts are filed in the committee correspondence book.

Consider Proposed Ordinance: 158-O-102 Establishment of Speed Zone – C.T.H. "B"

Barthel explained the ordinance which will change the speed zone in the City of Oconomowoc and Town of Summit to forty-five (45) miles per hour on CTH "B" from its intersection with STH 67 easterly to the point of its intersection with Pabst Road. He stated this is a request from a county board supervisor and also from the school. There is an increase in traffic and an increase of land use along the roadway, which does justify a decrease in the speed limit. Barthel said to justify a speed limit less than forty-five mph, a speed study would be needed. If a study was done, the 85th percentile would show people are traveling at 55 to 65 mph.

Motion: Singert moved, second by Behrend, to approve Ordinance 158-O-102. **Motion carried 6 – 1; Nilson voting no.**

Approve Minutes of October 28 and October 30, 2003

Motion: Singert moved, second by Carlson, to approve the minutes of 10/28/03. **Motion carried 7 – 0. Motion:** Singert moved, second by Carlson, to approve the minutes of 10/30/03. Bruce pointed out an error on Page 2. **Motion carried as amended 7 – 0.**

Verbal Report from Executive Committee Member

Manke reviewed items that were discussed and/or considered at the last meeting on November 3, 2003: Update on the Criminal Justice Collaborating Council, Pending 2003 Legislation that would Authorize a City or Village to Abolish Its Police Dept. and Contract with Law Enforcement Services with a County, and two audits – Environmental Health and Child Support Divisions.

Verbal Report from Committee Member Attending Airport Commission Meeting

Bruce said there was a meeting yesterday, which she did not attend because there also was a County Board meeting.

Discuss Wisconsin River Rail Transit Commission

Manke said he wanted to agendize this item in order to determine where we're at. He said the county started on the commission in June 1987. That year \$2,500 was contributed and additional funds have been contributed over the years. Manke suggested that representatives from the railroad and the State appear at an Executive/Finance Committee meeting and possibly the Public Works Committee to discuss where the county is at. One question is if the State doesn't put in their match, do we (county) want to put \$26,500 in every year. We're at that point now. An extensive discussion by the committee continued. Esler said he had asked Manke to inquire at a commission meeting which counties have agreed to participate next year. Another point -- the amendment that was passed yesterday is that the account balance held for Waukesha County can be applied if the other 14 participating counties fund at that level. The question is how many of the 14 have committed next year. The further question is how many have authorized their counties to participate at that

funding level past next year and into the future. If a consortium is being considered, binding agreements are needed from 14 counties, the State of Wisconsin and the railroad. This is the difficult part. Singert suggested have a meeting of the whole Board. Manke said it will be whatever is agreeable to Chairman Dwyer.

Motion to adjourn: Carlson moved, second by Behrend, to adjourn the meeting at 11:45 a.m.
Motion carried 7 - 0.

Respectfully submitted,

Genia C. Bruce
Secretary

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